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November 28, 2005

ORDER (as to Dkt. No. 18)

**FILED ELECTRONICALLY USING CM/ECF**

Honorable Gustave J. DiBianco  
United States Courthouse  
PO Box 7396  
100 South Clinton Street  
Syracuse, New York 13261

At the court's direction, the Clerk will schedule either an in-person or telephone conference.

Dated: 11/29/05

Re: **Haritatos v. Hasbro, Inc. et al.**  
**Civil Action No. 05-CV-930 (DNH)(GJD)**  
**Our File No. 115\_003**

Gustave J. DiBianco  
U.S. Magistrate Judge

Dear Judge DiBianco:

On behalf of Plaintiff, Spero Haritatos, I am requesting telephone discovery conference to address the gross delinquency of Defendant Toys "R" Us, LLC in providing its initial disclosures.

The Rule 26 conference in this case was held on October 12, 2005, and therefore the disclosures were due by October 22, 2005. Not having received the Toys "R" Us disclosures, I sent by e-mail and facsimile a letter to its attorney, John McGowan, dated November 3, 2005, a copy of which is attached hereto as Exhibit "A", requesting that the disclosures be provided. Not having received the disclosures, on November 17, 2005, I spoke with Mr. McGowan by telephone. He explained that he had been in trial for the preceding three weeks. I consented to his request to provide me with the initial disclosures by "next week" and to his request for an extension of time in which to provide responses to Plaintiff's outstanding discovery by December 1, 2005.

As of the time and date of submitting this letter request, I still have not received any initial disclosures from Defendant Toys "R" Us. Accordingly, Plaintiff requests a telephonic discovery conference to address this matter.

Very truly yours,  
WALL MARJAMA & BILINSKI LLP

Robert E. Purcell

REP/dms

cc.: John G. McGowan, Esq. (by CM/ECF)  
Kim T. Landsman, Esq. (by CM/ECF)